Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

W.P. No.757/2005

PETITIONER : **SUNDARDAS**, S/o Late Pola, Aged about 55 years, R/o. Village-Anda, P.S. & Tahsil- Malkharauda District- Janjgir-Champa (C.G.)

P.R. No. 766/05 C.P. Lahare
Presented by Shri
dated 23/2/05

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, Through : The Secretary, Revenue Department, D.K.S. Bhawan, Raipur, District- Raipur (Chhattisgarh).

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2. The Collector, Janjgir, District- Janjgir-Champa (C.G.).

3. The Sub-Divisional Officer, Sakti, District- Janjgir-Champa (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 757/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

7.3.2005

Shri P.K. Patel, counsel for the petitioner.

Shri Sanjay S. Agarwal, Govt. Advocate for the State.

Heard.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India being aggrieved by the inaction on the part of the respondents.

The petitioner's case is that he is the grandson of Late Balbhaddar, who was working on the post of Village Kotwar before 1950 in Village Anda, Teshil Malkharuda, District Janjgir-Champa. The then Malguzars had granted a plot of land bearing Khasra No.4 rakba 10.54 acres Patwari Halka No.11 to the grand father of the petitioner and since then the petitioner and his ancestors are in continuous possession of the said land and the relevant documents are Annexure P-5 & P-6. The petitioner's further case is that in writ petition No.2632/2000 entitled as Chhabil Das & others Vs. State of M.P. & others and W.P. No.2064/2000 entitled as Tikaram & others Vs. State of M.P. & others vide order dated 3.5.2001 this Court directed the competent authority to grant Bhumiswami rights to the Kotwars, who were Kotwars before 1950, copies of the orders are Annexure P-2 & P-3 and circular dated 18.5.2004 issued in this regard is Annexure P-4.

In compliance of the said orders the petitioner had filed an application (Annexure P-1) under Section 57(2) of the Land Revenue Code, 1959 before respondent No.3-Sub Divisional Officer, Sakti for

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(29)

आदेश पत्रक

मामला क्रमांक W.P.757/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

grant of Bhumiswami right, but respondent No.3 is not deciding the said application.

Learned counsel for the petitioner submits that respondent No.3 be directed to decide the application of the petitioner and pass the order, to which learned counsel for the respondents has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, respondent No.3 is directed to decide the application of petitioner filed under Section 57(2) of the Land Revenue Code, 1959 within a period of three months from today in accordance with law.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.W.P. No.612/05 & I.A. No.1551/05 &1552/05 also stand disposed of.

Certified copy as per rules.

Sd/-
L.C.BHADOO
Judge

(पीछे देखिये)

11.3.05 4.1.06 14/6.6.05